

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

EDWARD COLLINS,

Plaintiff,

v.

BISHOP, WHITE & MARSHALL,
P.S.,

Defendant.

NO. CV-10-324-EFS

PROTECTIVE ORDER

On June 1, 2011, the parties filed a Joint Motion for Entry of Protective Order, ECF No. 28. Based upon the parties' stipulation, **IT IS HEREBY ORDERED:** the parties' Joint Motion for Entry of Protective Order, ECF No. 28, is **GRANTED**.

The following protective order is **HEREBY ENTERED:**

1. When used in this Order, the word "documents" means all written, recorded electronic or graphic matter whatsoever, however created and whatever the medium on which it was produced or reproduced.

2. "Confidential information," as used herein, means:

(a) (i) information containing or constituting proprietary or confidential business information technical know-how, and/or trade secrets, or any other information which, at the time the information is requested, is maintained in confidence; or (ii) financial, personnel, and personal information contained in employee files; and/or (iii)

1 Plaintiff's private or sensitive health or medical information, including
2 but not limited to information relating to counseling or psychiatric
3 treatment; and

4 (b) that is produced or disclosed in response to
5 interrogatories, requests for production or documents or tangible things,
6 subpoenas, questioning at depositions or other testimony, or otherwise
7 in connection with responses to demands for discovery; and

8 (c) that is designated and clearly marked as "Confidential"
9 to (and in accordance with) this Stipulation and Protective Order. In
10 designating information as "Confidential", a party will make such
11 designation only as to that information that in good faith it believes
12 contains confidential information entitled to the disclosure limitations
13 provided by this Protective Order.

14 3. The parties and their counsel shall not disclose, disseminate,
15 or use the confidential information provided to them for any purpose
16 other than this lawsuit, related court actions involving the same
17 parties, or any appeals.

18 4. The confidential information produced under this Stipulated
19 Protective Order may be reviewed only by:

20 (a) the parties;

21 (b) the attorneys in this case for the party receiving the
22 information and their staff or contract support personnel including but
23 not limited to secretaries, legal assistants, paralegals, and legal copy
24 services;

25 (c) court reporters and other persons assisting or working
26 with counsel in connection with depositions, and in that event the court

1 reporter may be asked to designate the deposition exhibit or that portion
2 of the transcript as confidential;

3 (d) experts retained by the parties as consulting experts or
4 testifying experts;

5 (e) persons employed or retained by a party who are assisting
6 or working with counsel for that party in connection with the prosecution
7 or defense against claims in this case.

8 As to the parties and their counsel, they will be bound by and will
9 honor all conditions and provisions of this Stipulation and Protective
10 Order. They will provide the persons, described in (d) and (e), with a
11 copy of this Stipulation and Protective Order and require them to agree
12 to comply with its terms and have them sign Exhibit A, attached,
13 Agreement to Be Bound by Protective Order. Any confidential document may
14 be raised or discussed in the courtroom subject to such rulings as the
15 Court may direct regarding such documents.

16 5. Any person not listed in paragraph 4 is precluded from access
17 to the confidential information. The parties, their counsel, and the
18 other individuals identified in paragraph 4 who receive confidential
19 information are precluded from sharing the substance or content of the
20 confidential information with any other individuals or entities.

21 6. Designations of information as "Confidential" shall be made as
22 follows:

23 (a) In the case of documents produced by a party, or in a
24 party's written responses to discovery requests, by conspicuously
25 stamping each page containing such information with the appropriate
26 designation.

1 (b) In the case of documents produced by non-parties, by
2 providing a notice in writing to all other parties so identifying such
3 documents within ten (10) business days after receiving copies of such
4 produced documents.

5 (c) In the case of deposition testimony, by a statement on the
6 record at or reasonably near the time of such testimony. A party may
7 also designate deposition testimony as "Confidential" within ten (10)
8 days of receipt of the written transcript of such testimony.

9 (d) In producing original files and records for inspection,
10 no marking need be made by the producing party in advance of the
11 inspection. Thereafter, upon selection of specified documents for
12 copying by the inspection party, the producing party shall mark as
13 "Confidential" the copies of such documents as may contain confidential
14 information at the time the copies are produced to the inspecting party.

15 (e) Subject to the future terms of any formal agreement
16 between the parties concerning the reasonable scope and parameters of
17 electronic discovery and to the extent such information exists, in
18 producing non-paper media (e.g., audiotape, computer disks, devices,
19 etc.), the outside of the medium or its container, if any, shall be
20 conspicuously marked with the proper designation. Documents on non-paper
21 media shall be marked with manual or electronically-applied
22 "Confidential" designations.

23 (f) A non-party may claim the protection of this Protective
24 Order for Confidential Information that it provides pursuant to discovery
25 demands in this action by designating such information in accordance with
26 the provisions of this Paragraph of this Protective Order.

1 7. Except as provided in this paragraph, the confidential
2 information shall not be filed by the parties as public record with the
3 court, unless eight (8) days advance notice is given to the designating
4 party's counsel. Failure to file a motion to file documents under seal
5 by the party that designated the documents as confidential shall not
6 operate to waive any part of this Order.

7 8. Nothing in this Stipulated Protective Order shall prejudice or
8 preclude any party from applying to the court for additional or different
9 protective relief in respect of the confidential information, should the
10 need arise during this litigation, nor shall anything in this Stipulated
11 Protective Order preclude or prevent any party from seeking relief from
12 the court pursuant to the terms of this Protective Order or in respect
13 of other discovery requests. This Protective Order does not affect or
14 alter a party's rights to refuse to produce information properly subject
15 to the attorney-client privilege or attorney work-product doctrine, or
16 otherwise object to, and seek relief from, another party's discovery
17 requests.

18 9. Nothing herein shall prevent disclosure beyond the terms of
19 this Order if each party designating the information as "Confidential"
20 consents to such disclosure.

21 10. A party shall not be obligated to challenge the propriety of
22 a designation as "Confidential" at the time made, and a failure to do so
23 shall not preclude a subsequent challenge thereto.

24 11. The provisions of this Order shall not terminate at the
25 conclusion of this litigation. The confidential information shall be
26 destroyed or returned to counsel for the party providing it within a

1 reasonable time following completion of this lawsuit, including any
2 appellate review.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter
4 this Order and distribute copies to counsel.

5 **DATED** this 3rd day of June 2011.

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8 S/ Edward F. Shea
EDWARD F. SHEA
United States District Judge
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EXHIBIT A

AGREEMENT TO BE BOUND BY PROTECTIVE ORDER

The undersigned, _____ (print or type name), in connection with the above-captioned lawsuit, filed under Cause No. CV-10-324-EFS in U.S. District Court for the Eastern District of Washington, acknowledges that he or she has received a copy of the Protective Order entered in that action, which is attached hereto, has read the order, understands it, and agrees to be bound by all of the provisions thereof.

DATED: _____ (Signature)